

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

DELANEY ESPER and SAM ESPER,

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Plaintiffs,

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No. 3:23-cv-00116

v.

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JURY DEMAND

**RICHARD ENLOW, MIRNES MUMINOVIC,
and WIPEOUT LOGISTICS LLC,**

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Defendants.

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WIPEOUT LOGISTICS LLC,

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Counterclaim Plaintiff,

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v.

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DELANEY ESPER and SAM ESPER,

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Counterclaim Defendants.

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**DEFENDANT RICHARD ENLOW'S MOTION FOR
PARTIAL JUDGMENT ON THE PLEADINGS**

COMES NOW the Defendant, Richard Enlow (“Enlow”), to submit his Motion for Partial Judgment on the Pleadings pursuant to *Fed. R. Civ. P.* 12(c).

As grounds for this motion and as described in more detail in Enlow’s contemporaneously-filed memorandum of law, Enlow would show that Plaintiffs assert claims for punitive damages based solely on Enlow allegedly attempting to bribe a witness, Zack Sellars, to corroborate his account of how the September 26, 2022 collision described in the Complaint occurred. In other words, Plaintiffs contend that they are entitled to an award of punitive damages because of conduct that is separate and distinct from the conduct upon which their claims for compensatory damages are based (*i.e.*, Enlow’s involvement in the September 26, 2022 collision). Plaintiffs cannot assert

a claim for punitive damages based on such conduct under both Tennessee and federal law, and their punitive damages claims against Enlow should therefore be dismissed.

WHEREFORE, Enlow respectfully requests that this Court enter an order dismissing Plaintiffs' punitive damages claims in their entirety and with prejudice.

Respectfully submitted,

CARR ALLISON

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CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2023, I electronically filed **DEFENDANT RICHARD ENLOW'S MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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